

## REMARKS

Upon entry of this response, claims 1-12, 22-30 and 32-49 will be pending in the present application, with claims 1, 26, 29, 32, 37, 40, and 46 being independent.

### I. Allowable Claims

Applicants would like to thank the examiner for recognizing that claims 37-39 recite novel features and would be allowable if claim 37 is rewritten in independent form including all the limitations of claim 1. Accordingly, claim 37 has been rewritten in independent form including all the limitations included in the previously pending version of claim 1.

### II. Rejected claims

Claims 1-30, 32-36, and 40-45 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kalra (5,953,506) in view of Ng (5,262,854), Tan (5,959,684), Cismas (5,646,693), Casavant (5,426,464), and Boussina (4,216,504).

#### A. Claims 1-12 and 22-25

Claims 1-12 and 22-25 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “foregoing decoding the first plurality of pictures; and decoding the second plurality of pictures, wherein a designated display order of at least a portion of the first plurality of pictures overlaps a designated display order of at least a portion of the second plurality of pictures.”

#### B. Claims 26-28

Claims 26-28 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “foregoing decoding a first plurality of pictures corresponding to received video input; and decoding a second plurality of pictures corresponding to the received video input, wherein a designated display order of at least a portion of the first plurality of pictures overlaps a designated display order of at least a portion of the second plurality of pictures.”

### C. Claims 29-30

Claims 29-30 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “reducing the video decoding rate and maintaining said synchronization responsive to the step of determining that a video decoding rate is to be reduced, including: foregoing decoding the first plurality of pictures; and decoding the second plurality of pictures.”

### D. Claims 32-36

Claims 32-36 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “foregoing decoding the first plurality of pictures; decoding the second plurality of pictures; and outputting at least one of the second plurality of pictures a plurality of times.”

### E. Claims 40-45

Claims 40-45 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “foregoing decoding a picture corresponding to received video input; and decoding a picture corresponding to the received video input” and “wherein the decoded picture is presented a plurality of times in place of the picture for which decoding was forgone.”

## III. New Claims

### Claims 46-49

Claims 46-49 are allowable for at least the reason that none of the cited references teach, suggest or disclose: “foregoing decoding at least a second picture corresponding to the received video input; and buffering graphical data in the first portion of the picture buffer.”

Note that the currently pending claims recite further features/steps and/or combinations of features/steps (as is apparent by examination of the claims) that are patentably distinct from the prior art of record. Hence there are other reasons why these claims are allowable.

Furthermore, Applicants are not expressly addressing the validity of all assertions made by the Examiner regarding the pending claims since the validity of such assertions may not be relevant to allowance of the currently pending claims. Therefore, Applicants should not be presumed to agree with any statements made by the Examiner unless otherwise expressly indicated by Applicants.

#### IV. Official Notice

The Office Action takes official notice that "it is considered an obvious feature (design choice) to repeat only five times if a subsequent picture is not decoded."

According to MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." MPEP 2144.03 also states that "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." Therefore, Applicants respectfully traverse the official notice for at least the following reasons:

1. The facts sought to be established by the official notice are not capable of "instant and unquestionable demonstration as being well-known."
2. The bases for the official notice were not set forth explicitly.
3. The Office Action did not provide specific factual findings predicated on sound technical and scientific reasoning to the support the conclusion of common knowledge.
4. The Office Action did not cite documentary support for the official notice.

**CONCLUSION**

Based on the remarks set forth herein, Applicants respectfully submit that the pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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